THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO.11512 OF 1998

DATED: 6.6.2007

Between:

M.A.Rawoof son of Md.Siddiqui

… Petitioner

and

The Depot Manager, APSRTC, Mehadipatnam, Hyderabad and another

….Respondents

THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO.11512 OF 1998

ORAL ORDER:

Under Section.2-A(2) of the Industrial Disputes Act,1947(for short "the Act") the petitioner-a workman and driver in A.P.S.R.T.C laid a claim assailing his removal by the order dated.19-09-1989 of the management. According to the facts on record the petitioner was placed under suspension by the management on 16-03-1989 and a charge sheet was issued alleging two species of misconduct:

(a) For having behaved very insolvently and aggressively asking the duty Chief Inspector and shouting at him in relation to a request for grant of leave; and

(b) For having pounced to the Chief Inspector and assaulting him on his face and chest while on duty on 16-03-1989 at about 14.45 hours.

The petitioner was charged with having transgressed the applicable conduct regulations of the Corporation. A due process of domestic inquiry followed and the Enquiry Officer submitted a report finding the petitioner guilty of both the charges. The petitioner was also prosecuted for an offence under Section.353 of the Indian Penal Code,1860 in Calendar Case No.299 of 1989 but this ended in acquittal in respect of the charge under Section.353 IPC. However the petitioner was convicted under Section.504 of IPC and released under the

provisions of the Probation of Offenders Act, by the judgment dated.07-02-1991 of the IX Metropolitan Magistrate, Hyderabad. The petitioner preferred an appeal. Criminal Appeal No.61 of 1991 was allowed by the II Additional Metropolitan Sessions Judge, Hyderabad.

After acquittal the petitioner sought reinstatement into service in the teeth of the order of removal pursuant to the domestic enquiry. The Management declined and therefore the petitioner lodged a claim under Section.2-A(2) of the Act. The claim of the petitioner was rejected by the Labour Court Hyderabad, which dismissed I.D.No.61 of 1992.

The Labour Court recorded that there were direct eye-witnesses who testified at the domestic enquiry to the use of physical force by the petitioner against the Chief Inspector. The labour Court also found no infirmity in the order of removal passed against him on the ground of the punishment being disproportionate to the charges held proved. As against voluminous oral and documentary evidence marshalled by the management in the domestic enquiry the petitioner-employee failed to lead any evidence.

This Court discerns no infirmity in the order of the Labour Court concurring in the conclusions in the domestic inquiry that the petitioner was guilty of both the charges and was awarded a rational punishment of removal from service.

There are no merits in the writ petition. The writ petition is accordingly dismissed. No order as to costs.

GODA RAGHURAM,J

6th JUNE,2007
***TSNR**